

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
AT BECKLEY

MITCHELL LEE GRESHAM,

Petitioner,

v.

CIVIL ACTION NO. 5:02-0320

JOYCE CONLEY, Warden,
FCI Beckley,

Respondent.

ORDER

By Standing Order entered on December 28, 2001, and filed in this case on April 9, 2002, this action was referred to United States Magistrate Judge R. Clarke VanDervort for submission of proposed findings and a recommendation. Magistrate Judge VanDervort filed his proposed findings and recommendation on August 16, 2005. In that filing, the magistrate judge recommended that this court deny petitioner's motion for judgment on the petition, dismiss petitioner § 2241 application, and remove this matter from the court's docket.

In accordance with the provisions of 28 U.S.C. § 636(b), the parties were allotted ten days, plus three mailing days, in which to file any objections to Magistrate Judge VanDervort's Findings and Recommendation. No party has filed objections within the requisite period, and the failure of any party to file such objections constitutes a waiver of such party's right to a de

novo review by this court. Thomas v. Arn, 474 U.S. 140 (1985); Snyder v. Ridenour, 889 F.2d 1363 (4th Cir. 1989).

Having reviewed the Proposed Findings and Recommendation filed by the magistrate judge, the court adopts the findings and recommendations contained therein. Accordingly, the court hereby DENIES petitioner's motion for judgment on the petition (Doc. No. 18), DISMISSES petitioner's § 2241 application (Doc. No. 1), and REMOVES this matter from the court's docket.

The Clerk is directed to mail a copy of this order to all counsel of record, the plaintiff, and Magistrate Judge VanDervort.

IT IS SO ORDERED this 7th day of September, 2005.

ENTER:

A handwritten signature in cursive script, reading "David A. Faber", is written over a horizontal line.

David A. Faber
Chief Judge